

months thereafter; and, used in reference to streets and alleys, to apply to all streets or alleys not laid out before the said first day of January, or which, being laid out, shall not be rendered fit for use within twelve months thereafter:

The word "parish" to include all parochial districts and extra-parochial places in which separate churchwardens, overseers, or constables are appointed; and where two parishes have been united for ecclesiastical purposes, then to include such united parishes:

The word "owner" to apply generally to every person in possession or receipt either of the whole or of any part of the rents or profits of any ground or tenement, or in the occupation of such ground or tenement, other than as a tenant from year to year, or for any less term, or a tenant at will:

The term "official referees" to mean the persons appointed in pursuance of this Act to be official referees of metropolitan buildings:

The word "surveyor" to apply to all surveyors to be appointed in pursuance of this Act, or whose appointment is confirmed by this Act, and also to all deputy or assistant surveyors to be appointed under this Act:

The words "the surveyor," used without any addition, to mean the surveyor in whose district the buildings, street, or alley, or other subject-matter shall be, or any deputy or assistant surveyor duly acting in his behalf:

The word "month" to mean a calendar month:

The expression "the Commissioners of Works and Buildings" to mean the Commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings:

The expression "justice of the peace" to mean a justice of the peace for the county, division, or liberty within which the building or other subject-matter, or any part thereof, is situate; unless it be situate within the city of London or the liberties thereof, in reference to which any matter or thing elsewhere required or authorized to be done, either by one or by two or more justices of the peace, may be done, either by the Lord Mayor of the City of London, or by any one, two, or more justices of the peace for the said city; or unless the subject-matter be situate in the district of any police court of the metropolis, in reference to which any matter or thing elsewhere required or authorized to be done by two or more justices may be done by one magistrate:

And, generally, whenever the name of an officer having local jurisdiction in respect of his office is referred to, without mention of the locality to which the jurisdiction extends, such reference is to be understood to indicate the officer having jurisdiction in that place within which is situate the building or other subject-matter, or any part thereof, to which such reference applies:

And, subject as aforesaid to the context and to the nature of the subject-matter, words importing the singular number are to be understood to apply to a plurality of persons or things, and words importing the masculine gender are to be understood to apply to persons of the feminine gender, and words importing an individual are to be understood to apply to a corporation or company, or other body of persons:

Extent of Operation of Act in reference to Localities.

3. And be it enacted, with regard to this Act generally, so far as relates to the operation thereof in reference to localities, that the operation of this Act shall extend to all places within the following limits: (that is to say),

To all such places lying on the north side or left bank of the river Thames as are within the exterior boundaries of the parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hoxsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Huchway, Stratford-le-Bow, Bromley, Poplar, and Shadwell:

And to such part or parish of Chelsea as lies north of the said parish of Kensington:

And to all such parts and places lying on the south side or right bank of the said river as are within the exterior boundaries of the parishes of Wandsworth, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, and Wandsworth:

And to all places lying within two hundred yards from the exterior boundary of the district hereby defined, except the eastern part of the said boundary which is bounded by the river Lea.

Power to extend the Limits of Act—Publication of Notice of Intention to extend Limits of Act.

4. And forasmuch as, partly by the rapid increase of population in the neighbourhood of the districts to which this Act is to apply, and partly by the tendency of this Act to induce building speculation in such neighbourhoods in order to evade the provisions thereof, the evils which have arisen in the districts not now subject to regulation will in all probability arise in such neighbourhoods, it is expedient to make provision for the prevention of such evils, and, if they should arise, for the remedy thereof; now, for those purposes be it enacted, with regard to this Act generally, so far as relates to the application thereof to other parts and places in the neighbourhood of the districts appointed by this Act; whether such districts immediately adjoin such parts or places, or not, that if, from the growing increase of the population or otherwise, it shall appear to her Majesty in Council to be expedient that the provisions of this Act should be extended to any place within twelve miles from Charing Cross in the city of Westminster, then it shall be lawful for her Majesty in Council to direct, by order in Council, that at or from a time to be named in such order the provisions of this Act shall apply to such places; and at or from such time all such provisions, of whatever nature, whether penal

or otherwise, so far as they shall be capable of application to such places, shall be and are hereby declared to apply thereto as if such places were expressly named herein; and that notice of the time when it shall please her Majesty to order any such extension to be taken into consideration by her Privy Council shall be published by royal proclamation in the London Gazette one month at the least before such extension shall be so taken into consideration; and that three weeks at the least before such matter shall be so considered it shall be the duty of the official referees, and the overseers of the parishes within which such parts or places are situate, to cause copies of such proclamation to be fixed on the doors of the churches and chapels within such parishes; and that every order in Council made in pursuance of this enactment shall be published in the London Gazette.

BUILDINGS, NEW AND OLD.

Regulation of Buildings—Rates of Buildings, and Thicknesses of Walls and Footings, and Rules concerning Buildings.

5. And now generally, for the purpose of regulating the building and the rebuilding upon sites of former buildings, and the enlarging and altering of all buildings of what nature soever, within the limits aforesaid, be it enacted, with regard to every such building hereafter to be built (except the buildings comprised in schedule (B.) hereto annexed, and except sewers made by or under the direction of any Commissioners of Sewers), so far as relates to building the same, and with regard to every such building either already or hereafter built (except the said buildings comprised in the said schedule (B.), and except the said sewers), so far as relates to the rebuilding and the enlarging or altering the same, and that whether such buildings be built or rebuilt on old or new foundations, or partly on old and partly on new foundations, that notwithstanding any thing contained to the contrary in any Act of Parliament now in force, every such building shall be built, rebuilt, enlarged, or altered in reference to the walls, whether external or party-walls, and to the number and height of the stories or rooms therein, and to the chimneys, and to the roofs, and to the timbers, and to the drains, and to the projections, and to any other parts or appendages of every such building, and in the manner of the materials, and in every other respect in conformity with the several particulars, rules, and directions which are specified and set forth in the several schedules (C.), (D.), (E.), (F.), (G.), (H.), (I.), (J.), (K.) to this Act annexed, according to the classes of buildings, and the rates of such classes to which such buildings are by the schedule (C.) declared to belong; subject nevertheless to any other rules and directions in this Act contained to the same behalf; and subject in every case of doubt, difference, or dissatisfaction in respect thereof, either between any parties concerned or between any party concerned and the surveyor of the district, to the determination of the official referees, upon a reference of the matter in question, according to the provisions of this Act in that behalf.

Buildings under Supervision of Official Referees.

6. And be it enacted, with regard to all buildings of the first rate of the second or warehouse class, and to all buildings of the third or public building class (except the buildings herebefore excepted), so far as relates to the supervision thereof, that, subject to the provisions in schedule (C.) and elsewhere in this Act made in respect thereof, every such building shall be built under the special supervision of the official referees, according to the provisions of this Act in that behalf, as well as under the ordinary supervision of the surveyor; and if any difference arise as to whether any such building be liable to such special supervision, the same shall be determined by the official referees; subject nevertheless to an appeal, at the instance of any party interested, to the Commissioners of Works and Buildings, whose decision in the matter shall be final.

Special Supervision of exempted Buildings.

7. And whereas by several Acts now in force certain buildings and structures have been exempted from the operation of the Act mentioned in the schedule (A.) hereto annexed, for the regulation of buildings and party-walls within the cities of London and Westminster, and the liberties thereof, and other the parishes and places therein mentioned; be it enacted, with regard to the buildings herebefore exempted and comprised in schedule (B.), so far as relates to the supervision thereof, that notwithstanding any thing contained to the contrary in any Act or Acts now in force, every such building or other structure mentioned in the said schedule (B.) Part I. shall be subject to special supervision by the official referees, according to the provisions of this Act in that behalf, and every such building or other structure mentioned in the said schedule (B.) Part II. shall be exempt from supervision.

Buildings not within Rates.

8. Provided always, and be it enacted, with regard to any building of whatever kind which is not hereby expressly assigned to any class or rate of a class, so far as relates to the application of this Act thereto, that if any party be desirous of erecting any building which does not come within any one of the said classes, or of any rate of such classes, then such building shall be built in accordance with such class and rate as shall be directed by the surveyor, subject, as in other cases of doubt, difference, or dissatisfaction, to an appeal to the official referees.

Modification of Building Contracts—Reference to the Surveyor, or on Appeal to the Official Referees.

9. Provided always, and be it enacted, with regard to any building of whatever class, so far as relates to

the modification of any written contract or agreement now in force for erecting or altering such building (other than a contract or agreement in the nature of a building lease), that it shall not be lawful to execute such contract otherwise than in conformity with the provisions of this Act; but it shall be lawful for either party and be is hereby entitled to deviate from such contract so far as any part thereof may remain to be executed after this Act shall have come into operation; and the alterations rendered necessary by this Act shall be performed as if this Act had been in force when such contract was entered into; and that if the parties thereto shall disagree about the difference of the costs and expenses of the works when performed according to the provisions of this Act, and the works as stipulated for in such contract, then, upon notice being given in writing by one party to the other, it shall be lawful for either party and he is hereby entitled to refer the matter to the surveyor, who shall determine the same, subject to appeal as aforesaid to the official referees; and the award of such official referees shall be final and binding on all the parties, and in all respects as if such award had formed part of the contract; and the costs of the reference shall be borne by all or any or either of the parties in such manner and proportion as the surveyor, or in case of appeal as the official referees, shall appoint.

Modification of Building Leases—Application to Official Referees—Proceedings thereon.

10. Provided always, and be it enacted, with regard to any building, of whatever class, so far as relates to the modification of any existing lease or agreement for a lease, being of the nature of a building lease, whereby any person may be bound to erect buildings, that notwithstanding any thing herein contained, it be made to appear to the official referees that any rules by this Act prescribed will prevent the due observance of or be at variance with any such lease or agreement, and that the objects of this Act may be obtained by modifying such rules, either entirely or partially, in conformity with such lease or agreement, then it shall be lawful for the said official referees by their award to authorize such modification, subject, nevertheless, to the approbation of the Commissioners of Works and Buildings; and, subject to such modification, or in default thereof, it shall be the duty of such person so bound to erect buildings and he is hereby required to erect every building agreed to be built by such lease or agreement according to the conditions rendered necessary by this Act, in the same or like manner as if this Act had been passed and in operation at the time of making such lease or agreement; and that on the completion of such works, either according to the provisions of this Act or according to such modification aforesaid, and on giving to the lessor and other owners of such building fourteen days' notice of his intention to apply to the official referees on this behalf, it shall be lawful for the lessee or tenant and he is hereby entitled to require the official referees to ascertain what loss, present and prospective, has been occasioned by the observance of the provisions of this Act, and having regard to the respective terms and interests of the lease or tenant, the lessor and other owners of such building, and having regard to any profit, benefit, or advantage which may have accrued to such lease or tenant since the execution of such lease or agreement, and which may appear to the said official referees not to have been in the contemplation of the parties to such lease or agreement at the time of such execution thereof as aforesaid, to determine whether he is entitled to any and what compensation, whether by payment of money or reduction of rent, or both, or otherwise; and that on the receipt of such regulation, and on proof of due notice thereof having been given to the lessor and other owners of such building, it shall be the duty of such official referees and they are hereby required to proceed to ascertain if any and what loss has been so occasioned, and, having regard as aforesaid to such terms and interest as aforesaid, and to such profit, benefit, or advantage as aforesaid, to determine if any and what compensation as aforesaid is to be paid in respect thereof, and by whom the same is to be paid, and in what proportions, and their decision in the matter shall be final.

Commissioners of Works and Buildings empowered to modify Rules generally—Report of Official Referees—Extent of Modification—Representation by Parties—Order thereupon.

11. And for the purpose of preventing the express provisions of this Act from hindering the adoption of improvements, and of providing for the adoption of expedients either better or equally well adapted to accomplish the purposes thereof, be it enacted, with regard to every building of whatever class, so far as relates to the modification of any rules hereby prescribed, that if in the opinion of the official referees the rules by this Act imposed shall be inapplicable, or will defeat the objects of this Act, and that by the adoption of any modification of such rules such objects will be attained either better or as effectually, it shall be the duty of such official referees to report their opinion thereon, stating the grounds of such their opinion to the Commissioners of Works and Buildings; and that if on the investigation thereof it shall appear to the said commissioners that such opinion is well founded, then it shall be lawful for the said commissioners or any two of them to direct that such modification may be made in such rules as will in their opinion give effect to the purposes of this Act; and that although such official referees shall be of opinion that such modifications are not requisite or admissible, yet if any party interested present to the grounds whereon such modification is claimed, it shall be the duty of the official referees and they are hereby